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(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ledbetter et al.

Application No.: 10/053,530

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For: Binding Domain Immunoglobulin Fusion Proteins

Examiner: Blanchard, David

DECLARATION OF ALAN F. WAHL

1. I, Alan F. Wahl, declare as follows.

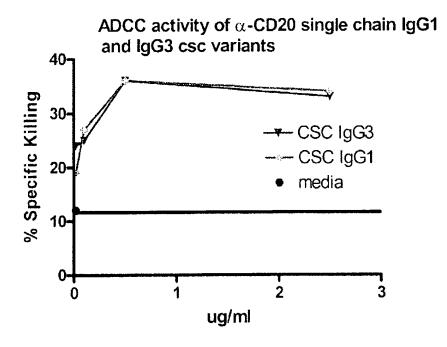
- 2. I am the Vice President, Technology Research, at Trubion Pharmaceuticals, Inc., the assignee of the above-identified patent application. A copy of my Curriculum Vitae is attached hereto as Exhibit 1.
- 3. Various single chain proteins were made that include a binding domain capable of binding a target biological molecule joined to a IgG hinge peptide with two cysteine residues (one at the cysteine position responsible for forming a disulfide bond with a light chain constant region in a naturally occurring IgG antibody) further joined to immunoglobulin heavy chain CH2 and CH3 constant region polypeptides. A number of the single chain proteins were demonstrated to promote antibody-dependent, cell-mediated cytotoxicity (ADCC) and/or complement fixation.
 - 4. Examples of such single chain proteins that were made are:

Single chain protein	Binding domain target	Hinge	CH2	CH3
1 (TRU-015)	CD20	IgG ₁ CSC	IgG ₁	IgG ₁
2	CD20	IgG ₁ CCS	IgG ₁	IgG ₁
3	CD37	IgG ₁ CSC	IgG ₁	IgG_1
4	CD20	IgG ₃ CSC	IgG ₁	IgG ₁

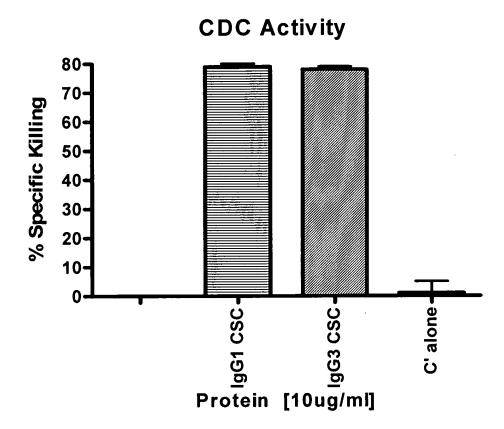
5. Single chain proteins 1 and 4 were tested and found to promote ADCC and

complement fixation.

6. The ADCC assays were conducted as follows. Briefly, 1 x 10⁷/ml BJAB B-cells were labeled with 500 uCi/ml 51Cr sodium chromate (#CJS1, Amersham Biosciences, Piscataway, NJ) for 2 hrs at 37°C in Iscoves media (#12440-053, Gibco/Invitrogen, Grand Island, NY) with 10% FBS (#16140-071, Gibco/Invitrogen, Grand Island, NY). The 51Cr loaded BJAB were then washed 3 times in RPMI (#11875-093, Gibco/Invitrogen, Grand Island, NY) media with 10% FBS and resuspended at 4 x 10⁵/ml in RPMI. Peripheral blood mononuclear cells (PBMC) from in-house donors were isolated from heparinized whole blood via centrifugation over Lymphocyte Separation Medium (#50494, MP Biomedicals, Aurora, OH), washed 2 times with RPMI media and resuspended at 5 x 10⁶/ml in RPMI with 10% FBS. Single chain proteins were added to RPMI media with 10% FBS at 4 times the final concentration and three 10-fold serial dilutions for each single chain protein were prepared. These single chain proteins were then added to 96-well U- bottom plates at 50 ul/well for the indicated final concentrations. The 51Cr labeled BJAB were then added to the plates at 50 ul/well (2 x 10⁴/well). The PBMC were then added to the plates at 100 ul/well (5 x 10⁵/well) for a final ratio of 25:1 effectors (PBMC):target (BJAB). Effectors and targets were added to media alone to measure background killing. The 51Cr labeled BJAB were added to media alone to measure spontaneous release of 51Cr and to media with 5% NP40 (#28324, Pierce, Rockford, IL) to measure maximal release of 51Cr. The plates were incubated for 6 hours at 37°C in 5%CO₂. Fifty ul (can use 25 ul) of the supernatant from each well were then transferred to a LumaPlate-96 (#6006633, Perkin Elmer, Boston, MA) and dried overnight at room temperature. In the morning, cpm were read on a Packard TopCount-NXT. Percent specific killing was calculated by subtracting cpm (mean of quadruplicant samples) of sample - cpm spontaneous release/cpm maximal release-cpm spontaneous release X 100. Figure 1 below shows the results of the assays.



7. The complement fixation assays were conducted as follows. In brief, approximately 3 x 10⁵ Ramos B-cells were added per well to 96-well V-bottomed plates in 50 ul of Iscoves (#12440-053, Gibco/Invitrogen, Grand Island, NY) media (no FBS). The single chain proteins in Iscoves, (or Iscoves alone) were added to the wells in 50 ul at 2 times the indicated final concentration. The cells and single chain proteins were incubated for 45 minutes at 37°C. The cells were washed 2 ½ times in Iscoves with no FBS and resuspended in Iscoves with human serum (# A113, Quidel, San Diego, CA) in the 96-well plate at the indicated concentrations. The cells were then incubated for 90 minutes at 37°C. The cells were washed by centrifugation and resuspended in 125 ul cold PBS. The cells were transferred to FACs cluster tubes (#4410, CoStar, Corning, NY) and 125 ul PBS with propidium iodide (# P-16063, Molecular Probes, Eugene, OR) at 5 ug/ml was added. The cells were incubated with the propidium iodide for 15 minutes at room temperature in the dark and then placed on ice and read and analyzed on a FACsCalibur with CellQuest software (Becton Dickinson). The results of the assays are shown in Figure 2 below.



- 8. Single chain protein 1 (TRU-015) also exhibited a clinical benefit for rheumatoid arthritis patients in a Phase IIa study in humans. Results of the study were presented at the American College of Rheumatology Annual Scientific Meeting, Washington, DC during the week of November 10-15, 2006. A copy of the poster presented is attached as Exhibit 3. Furthermore, enrollment and dosing of patients has been completed for a Phase IIb clinical trial in human rheumatoid arthritis patients.
- 9. Other single chain proteins, described below, were made that include a binding domain capable of binding a target biological molecule joined to an IgG hinge peptide with one cysteine residue (the one cysteine being at the position responsible for forming a disulfide bond with a light chain constant region in a naturally occurring IgG antibody) further joined to immunoglobulin heavy chain CH2 and CH3 constant region polypeptides.

Single chain protein	Binding domain target	Hinge	CH2	CH3
5	CD20	IgG ₃ CSS	IgG ₁	IgG_1
6	CD20	IgG ₁ CSS	IgG ₁	IgG ₁
7	CD37	IgG ₁ CSS	IgG_1	IgG ₁

10. Like the two-cysteine single chain proteins, single chain protein 5 promoted ADCC and complement fixation activities when tested in the assays described above. See Figures 3 and 4.

Figure 3

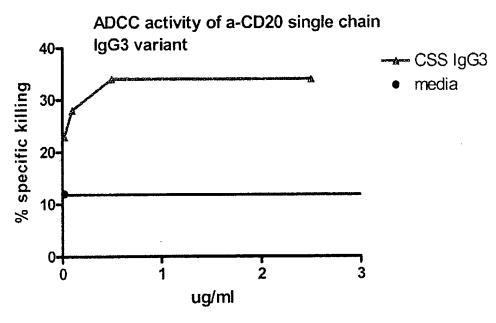
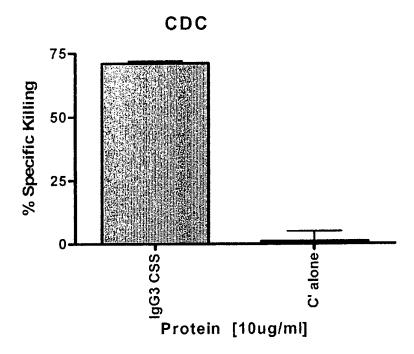


Figure 4



11. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date

Alan F. Wahl

Exhibit 1

CURRICULUM VITAE

NAME: Alan Francis Wahl

ADDRESS: 6150 East Mercer Way Mercer Island WA, 98040

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email: westwahl@comcast.net

INSTITUTION	DEGREE	YEAR
University of Rochester Rochester, NY	Ph.D. Biochemistry & Biophysics	1986
University of Rochester Rochester, NY	M.S. Biochemistry & Biophysics	1984
Rochester Institute of Technology, Rochester, NY	B.S. Biology/Chemistry cum làude	1978
Stanford University Stanford, CA	Postdoctoral Fellowship Experimental Oncology	1986-1989

PROFESSIONAL EXPERIENCE:

2006-present Vice President, Technology Research Trubion Pharmaceutics, Inc. Seattle, WA 98121

Areas of Scientific Excellence:

- Discovery of novel biological immunotherapeutics for treatment of cancer and immunologic diseases. Management Expertise:
- Member of Sr. management team responsible for corporate technical and strategic decisions.
- Scientific liaison for multiple strategic partners in Immunology and Oncology.
- Direct responsibility for Department of Technology Research of 14+ researchers

2000-2006 Senior Director, Molecular Oncology and Immunology

Seattle Genetics, Inc., Bothell, WA 98021

Areas of Scientific Excellence:

- Discovery and preclinical development of targeted biologics and small molecules for treatment of cancer and immunologic diseases.
- Identified and advanced numerous preclinical candidates
- Led preclinical IND teams for all Seattle Genetics' drugs currently in development or in clinical trials.
- Responsible for a strong in-house discovery/ development pipeline.

Management Expertise:

- Founding Director, Departments of Molecular Oncology and Immunology.
- Instrumental in building Seattle Genetics, Inc. from its 5-person inception to currently 140+ employees.
- Member of Senior Management Team reporting to CSO and Sr.VP.

- Chair, Late Stage Project Review Committee includes all aspects of drug discovery and experimental therapeutics.
- Key company representative for numerous in-licensing, out-licensing, investment and strategic alliances.
- Scientific liaison for multiple strategic partners in Immunology and Oncology.
- Direct responsibility for Departments of Molecular Oncology and Immunology and co-responsibility for Experimental Therapeutics Department. The former group includes an Associate Director and 12 researchers; the latter group includes 8 researchers.

1998-2000 Director, Biochemistry and Tumor Biology

Seattle Genetics, Inc., Bothell, WA 98021

Management Areas: Established company core competencies in Immunology, Tumor Cell Biology, and Experimental Therapeutics for drug discovery and development. Directly organized, staffed and grew departments of biology drug discovery and experimental therapeutics. Helped staff and shape Clinical, Development, Chemistry and Preclinical Development Departments for the newly formed company. Lead preclinical discovery and development teams, and successfully represented their accomplishments, including IND enabling studies to the company, investors and collaborators.

1997-1998 Principal Scientist

Department of Immunology

Zymogenetics Inc. Seattle WA 98102

<u>Research Areas:</u> Discovery and early stage development of biomolecules for treating immunologic diseases. Established immunologic / biochemical and tumor cell-based screens to detect signal transduction, proliferation and activation control of leukocytes and tumor cells.

1996-97 Principal Scientist and Group Leader

1992-1996 Senior Research Investigator II

Department of Inflammation, Bristol-Myers Squibb Pharmaceutical Research Institute, Seattle WA, 98121

Research Areas: Mechanisms of apoptosis, proliferation and cell cycle control of leukocytes and neoplastic cells. Small molecule and biomolecule drug discovery for treatment of cancer and autoimmune diseases. Lead Scientist for development of proprietary cytokine clinical candidate for treatment of inflammatory diseases.

Management Areas: Responsible for evaluations and review of research of seven staff scientists and associates and for management review of external proposals to corporation. Participated in site visits for potential company or technology acquisitions. Direct reporting to V.P. Inflammation and Immunology. Responsible for departmental reporting to Bristol-Myers Squibb Corporate Drug Discovery Management Team.

1991-1992 Senior Research Investigator, Antitumor Cellular and Molecular Biology.

1989-1991 Research Investigator

Bristol-Myers Squibb Pharmaceutical Research Institute, Wallingford, CT

Research Areas: Mechanism of anti-cancer drug action, platinol and taxane analog programs. Contributing scientist to TAXOL and Carboplatin programs. Enzymology of gene amplification and mechanisms of drug resistance in neoplasia.

Management Areas: Directed Core Facility for Synthetic Biomolecules, Bristol-Myers Squibb PRI, Wallingford, CT

POSTDOCTORAL RESEARCH FELLOWSHIP

1986-1989

Stanford University School of Medicine, Stanford, CA Laboratory of Experimental Oncology, Department of Pathology Advisors: Drs. T.S.-F. Wang and D. Korn Research Area: Protein/DNA interactions during DNA replication in normal and neoplastic cell proliferation. Cloning, transcriptional regulation and cell cycle analysis of human DNA polymerase α .

GRADUATE RESEARCH 1981-1986

University of Rochester, Rochester, NY

Department of Biochemistry & Biophysics and The Cancer Center

Thesis Advisors: Drs. R.A. Bambara and E.M. Lord

Research Area: Purification, physicochemical characterization and enzymology of eukaryotic DNA dependent ATPases

and replicative DNA polymerases. Cell fusion and monoclonal antibody production.

Thesis: Mechanisms and Control of Mammalian DNA Replication.

Awards: National Institutes of Health Molecular

Genetics Predoctoral Fellowship 1981-1985

Stanford University Deans Fellowship 1986-1987

National Cancer Institute Tumor Biology Training Fellowship 1987-1989

Society & Committee Memberships:

American Association for Cancer Research

American Association for the Advancement of Science

American Heart Association Review Committee 1994-2000.

Member, Councils of Advisors, Gerson Lehrman Group, New York, NY

Ad hoc Reviewer for Journal of Biological Chemistry, Biochemistry, Cancer Research, Clinical Cancer Research, Molecular and Cellular Biology, Blood, Bioconjugate Chemistry and Nature Medicine.

STUDENT MENTORING:

Russell Sanderson	Ph.D. Postdoctoral Fellow	2003-2004
Andrew McShea	Ph.D. Postdoctoral Fellow	1996-1997
Mary Horne	Ph.D. Postdoctoral Fellow	1993-1995
Ellen Carmichael	Ph.D. Postdoctoral Fellow	1990-1992
Brian Spain	M.S. Stanford University	1987-1988

RESEARCH / RESEARCH MANAGEMENT SKILLS:

Molecular Biology: All stages of cDNA cloning and sequencing, PCR, Northern and Southern analysis,

transcriptional regulation, analysis, and gene expression.

Cell Biology: Mammalian tissue culture, cell fusion, pathogenic microbiology,

immunocytochemistry, in situ transcription, cell cycle separation and FACS analysis.

Tumor Biology: Tumor and primary cell culture, drug/drug interaction, growth control and apoptosis.

Design, development and evaluation of in xenograft efficacy models of human

carcinoma and hematologic neoplasia.

Inflammation: Design, development and evaluation of efficacy studies in vitro and animal models of

arthritis, inflammatory bowel disease, pulmonary inflammation and multiple sclerosis.

Protein Chemistry:

Purification: HPLC, FPLC, RP, ion exchange, gel permeation and ligand affinity chromatography; chromato- and isoelectric focusing; synthesis of protein and nucleic

acid based matrices, chromergenic and isotopic labeling.

Analysis:

Peptide sequencing, Amino Acid Analysis, PAGE, thin layer, 2-D peptide mapping, rate

sedimentation and kinetics. ABI advanced peptide sequencer training.

Drug Development:

Authored preclinical sections to INDs for acytokine anti-inflammatory, a small molecule

anti-cancer agent, and multiple antibody and antibody-drug conjugate anti-cancer clinical candidates. Authored numerous SOPs for drug development candidates.

Management:

Founded, developed and currently successfully manage two, highly productive departments within the organization. Organized and chaired committee for review and prioritization of late stage projects and represented these projects to corporate portfolio review committee.

PREDOCTORAL EMPLOYMENT

1979-1981

Senior Research Associate, Biochemistry Division, Eastman Kodak Research, Rochester, NY. Development of solid-state immunochemical assays.

Purification of serum proteins, antigen/antibody production, biomolecule

immobilization on synthetic supports.

1978

Research Technician, U.S. Centers for Disease Control, Albany, NY. Developed immunodiagnostics for Legionnaire's disease/Rocky mountain spotted fever. Rickettsia cell surface protein isolation and development of solid-phase immunoassays.

1976-1977

Area Administrator, National Technical Institute for the Deaf/R.I.T., Rochester NY. While a full time undergraduate student, directed a staff of 35 resident advisors to oversee a 2000-person residence complex for the hearing impaired.

TEACHING EXPERIENCE

1990

Adjunct Instructor, Department of Biological Sciences, Weslyan University, Middletown, CT. Instructed graduate course in Oncogenes and Growth Factors.

1982-1983

Teaching Assistant, Department of Biochemistry, University of

Rochester Medical Center, Rochester NY. Graduate courses in Biochemistry

and Advanced Biochemistry.

1976-1978

Instructor, National Technical Institute for the Deaf/ R.I.T. Co-developed curriculum and instructed leadership training and experiential education courses.

PUBLICATIONS

- 1. A.F. Wahl, J.W. Hockensmith, S.P. Kowalski and R.A. Bambara. (1983) Alternative explanation for excision repair deficiency caused by the polAexI mutation. J. Bacteriology, 155(2):982-986.
- 2. A.F. Wahl, S.P. Kowalski, L.W. Harwell, E.M. Lord, and R.A. Bambara. (1984) Immunoaffinity purification and properties of a high molecular weight calf thymus DNA-alpha polymerase. Biochemistry 23(9):1895-1899.
- 3. R.A. Bambara, J.J. Crute and A.F. Wahl. (1985) Is Ap4A an activator of eukaryotic DNA replication? Cancer Investigation. 3:473-479.
- 4. J.J. Crute, A.F. Wahl, R.A. Bambara. (1986) Purification and characterization of DNA polymerase delta from calf thymus. Biochemistry 25:26-36.
- 5. J.J. Crute, A.F. Wahl, R. Murant, R.A. Bambara, S.L. Gibson and R. Hilf. (1986) Inhibition of DNA polymerases in vitro and in vivo by hematoporphyrin derivative and photoradiation. Cancer Research. 46:153-159.
- <u>6.</u> J.W. Hockensmith, **A.F. Wahl**, S. Kowalski and R.A. Bambara. (1986) Purification of calf thymus DNA-dependent ATPase that prefers a primer-template junction effector. Biochemistry 25:7812-7821.
- 7. A.F. Wahl, J.J. Crute, R.D. Sabatino, J.B. Bodner, R.L. Marraccino, L.W. Harwell, E.M. Lord and R.A. Bambara. (1986) Properties of two forms of DNA polymerase delta from calf thymus. Biochemistry 25: 7821-7827.
- <u>8.</u> R.L. Marraccino, **A.F. Wahl**, P.C. Keng, E.M. Lord and R.A. Bambara. (1987) Cell cycle dependent activities of DNA polymerase alpha and delta in Chinese hamster ovary cells. Biochemistry 26:7864-7870.
- <u>9.</u> S.W. Wong, **A.F. Wahl**, P.M. Yuan, N. Arai, B.E. Pearson, K. Arai, D. Korn, M. Hunkapiller and T.S.-F. Wang. (1988) Human DNA polymerase α gene expression is cell proliferation dependent and its primary structure is similar to both prokaryotic and eukaryotic replicative DNA polymerases. EMBO J. 7:37-47.
- <u>10.</u> **A.F. Wahl**, A. Moore Geis, Brian H. Spain, W.W. Wong, D. Korn and T.S.-F. Wang. (1988) Gene expression of human DNA polymerase α during cell proliferation and the cell cycle. Molecular and Cellular Biology 8:5016-5025.
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- 13. L. Huang, J. J. Turchi, **A.F. Wahl** and R. A. Bambara. (1993) Effects of the anticancer drug *cis*-diamminedichloroplatinum (II) on the activities of calf thymus DNA polymerase ε. Biochemistry 32: 841-848.
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- 28. A. McShea, A. F. Wahl, and M. A. Smith (1999) Re-Entry into the cell cycle: A mechanism for neurodegeneration in Alzheimer's Disease. Med. Hypotheses. 52:525-527.
- 29. P. M. Wallace, J. F. MacMaster, T. J. Brown, J. K. Loy, K. L. Donaldson, and A. F. Wahl (1999) Regulation of Inflammatory Responses by Oncostatin M. J. Immunol. 162:5547-55.
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- 33. J. A. Francisco, K. L. Donaldson, D. Chace, C. B. Siegall and A. F. Wahl (2000) Agonistic properties and antitumor activity of the anti-CD40 antibody SGN-14. Cancer Research 60:3225-3231.
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- 35. A. F. Wahl and P. M. Wallace (2001) Oncostatin M in the anti-inflammatory response. Annals of Rheumatic Diseases. 60:75-80.
- <u>36.</u> P. D. Senter, K. S. Beam, B. Mixan and A. F. Wahl (2001) Identification and activities of human carboxylesterases for the activation of CPT-11, a clinically approved anticancer drug. Bioconjugate Chemistry. 12: 1074-1080.

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- 39. S. O. Doronina, B. E. Toki, B. Mendelsohn, M. Torgov, C. G. Cerveny, D. F. Chace, S. Rejniak, R. DeBlanc, R. P. Gearing, C. B. Siegall, J. A. Francisco, A. F. Wahl, D. L. Myer, and D. D. Senter (2003), Development of potent monoclonal antibody auristatin conjugates for cancer therapy. Nature Biotechnology, 21: 778-794.
- 40. J. A. Francisco, C. G. Cerveny, D. L. Meyer, B. J. Mixan, K. Klussman, D. F. Chace, S. Rejniak, K. Gordon, R. DeBlanc, B. E. Toki, C.-L. Law, S. O. Doronina, C. B. Siegall, P. D. Senter and A. F. Wahl (2003) SGN-35, an anti-CD30-monomethyl auristatin E conjugate with potent and selective antitumor activity. Blood, 102: 1458-1465.
- 41. K. Klussman, B. Mixan, D. L. Meyer, P. D. Senter and A. F. Wahl (2004) Secondary mAb-vcMMAE conjugates are highly sensitive reporters of antibody internalization *via* the lysosome pathway. Bioconjugate Chemistry, 15:765-773.
- 42. J. Petroziello, A. Yamane, L. Westendorf, M. Thompson, C. McDonagh, C. Cerveny, C.-L, Law, A. F. Wahl and P. Carter, (2004) Suppression subtractive hybridization and expression profiling identifies a unique set of genes over-expressed in non-small cell lung cancer. Oncogene, 23:7734-7745.
- 43. C.-L.Law, C. G. Cerveny, K. Klussman, D. F. Chace, K. A. Gordon, D. L. Meyer, S. O. Doronina, C. B. Siegall, P. D. Senter, J. A. Francisco and A. F. Wahl. (2004). Efficient elimination of B-lineage lymphomas by anti-CD20 auristatin conjugates. Clinical Cancer Research, 10:7842-7851. (Feature /Cover Article)
- 44. R. J. Sanderson, M. A. Hering, S. F. James, M. M. C. Sun, S. O. Doronina, A. W. Siadak, P. D. Senter, and A. F. Wahl. (2005) *In vivo* drug linker stability of an anti-CD30 dipeptide-linked auristatin immunoconjugate. Clinical Cancer Research, 11:843-852.
- 45. C. G. Cerveny, C.-L. Law, R. S. McCormick, J. S. Lenox, K. J. Hamblett, L. E. Westendorf, A. K. Yamane, J.M. Petroziello, J. A. Francisco and A. F. Wahl. (2005) Signaling via the anti-CD30 mAb SGN-30 sensitizes Hodgkin's disease cells to conventional chemotherapeutics. Leukemia, 19:1648-1655.
- 46. C.-L. Law, K. A. Gordon, J. Collier, K. Klussman, J. A. McEarchern, C. G. Cerveny, B. J. Mixan, W. P. Lee, Z. Lin, A. F. Wahl and I. S. Grewal. (2005) Anti-lymphoma activity of the humanized anti-CD40 monoclonal antibody SGN-40. Cancer Research, 65:8331-8338.
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BEST AVAILABLE COPY

TRU-015, A SMALL MODULAR IMMUNOPHARMACEUTICAL (SMIPTM) DRUG CANDIDATE DIRECTED AGAINST CD20 DEMONSTRATES CLINICAL IMPROVEMENT IN SUBJECTS WITH RHEUMATOID ARTHRITIS

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'Trubion Pharm., Seattle, WA; ²Wyeth, Collegeville, PA; ³Arth Ed & Treatment Ctr, Grand Rapids, MI; ⁴Piedmont Med Res Assoc, Winston-Salem, NC; ³Wallace Rheum Study Ctr, Los Angeles, CA; ⁴Midwest Arth Ctr, Kalamazoo, MI; ⁷Westroads Med Gp, Omaha, NE; ⁴Altoona Ctr for Clin Res, Duncansville, PA

Abstract

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Presented at the American College of Rheumatology (ACR) Annual Scientific Meeting, Washington, DC, November 10-15, 2006.